

Amendment and Response Under 37 C.F.R. §1.116 - Expedited Examining Procedure  
Serial No.: 10/049,665  
Confirmation No.: 4705  
Filed: 11 April 2002  
For: METHOD FOR PRODUCING A DENTAL PROSTHESIS

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### Remarks

The Final Office Action mailed 18 August 2005 has been received and reviewed. Claim 17 having been amended, and claims 22-28, 31-33, and 40 having been canceled herein, the pending claims are claims 17-21 and 34-39. Applicants reserve the right to prosecute the canceled claims in continuation applications.

Claim 17 has been amended to correct an obvious typographical error.

Reconsideration and withdrawal of the rejections are respectfully requested.

### Rejection under 35 U.S.C. §102/103

The Examiner rejected claims 22-28, 31-33, and 40 under 35 U.S.C. §102(b) as anticipated by or, in the alternative, under 35 U.S.C. §103(a) as being unpatentable over Tsunekawa et al. (U.S. Patent No. 4,820,667). Claims 22-28, 31-33, and 40 having been canceled, Applicants respectfully submit that the rejection has been rendered moot.

Reconsideration and withdrawal of the rejection under 35 U.S.C. §102/103 are respectfully requested.

### Provisional Obviousness-Type Double Patenting Rejections

Claims 23-28 and 31-33 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 10-12 of co-pending U.S. Patent Application No. 10/468,071. Claims 23-28 and 31-33 having been canceled, Applicants respectfully submit that the rejection has been rendered moot.

Claims 17-22 and 37-39 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 5 and 6 of co-pending U.S. Patent Application No. 10/468,071. As the provisional obviousness-type double patenting rejection of claims 17-22 and 37-39 is the only rejection remaining in the present application, the Examiner is respectfully requested to withdraw the provisional obviousness-type double

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patenting rejection and allow the present application to issue as a patent pursuant to M.P.E.P. §822.01.

In view of the amendments and remarks presented herein, Applicants respectfully request that the Examiner reconsider and withdraw the provisional obviousness-type double patenting rejections.

#### **Objection to the Claims**

Applicants note that the Examiner listed claims 34-36 as objected to on page 1 of the Office Action mailed August 18, 2005. However, because no grounds for objecting to or rejecting claims 34-36 were presented in the body of the Office Action, Applicants are assuming for the purpose of responding that the Examiner objected to claims 34-36 as being dependent on a rejected claim. In the event that this assumption is incorrect, Applicants request appropriate clarification in the next Official Communication.

Claims 34-36 depend from independent claim 17. In view of the remarks presented herein above in response to the provisional obviousness-type double patenting rejection, Applicants respectfully submit that claim 17 is in condition for allowance. Thus, dependent claims 34-36 should also be in condition for allowance.

Reconsideration and withdrawal of the objection to claims 34-36 are respectfully requested.

#### **Information Disclosure Statements**

An Information Disclosure Statement was submitted by Applicants' Representatives on 28 October 2004. The Examiner considered the listed documents with the exception of Allermann et al., which the Examiner alleged included an illegible page (i.e., page 956), and Tosoh Zirconia Powder Technical Bulletin, which did not include a publication date (see page 2 of the Office Action mailed 9 December 2004). Applicants respectfully submit that the

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information on page 956 of Allermann et al. as submitted by Applicants on 28 October 2004 was legible. However, in the interest of expediting prosecution of the present application, Applicants are submitting a new copy of Allermann et al. herewith. With respect to the Tosoh Zirconia Powder Technical Bulletin, the publication date is unknown to Applicants Representatives. However, because the present specification refers to Tosoh Zirconia Powder (e.g., page 7, lines 27-28), Applicants hereby stipulate that the Tosoh Zirconia Powder Technical Bulletin has a publication date prior to the priority date of the present application (i.e., prior to 16 August 1999) in an effort to further prosecution of the present application. Accordingly, Applicants are herewith submitting a clean 1449 form listing the above-discussed two previously submitted documents. Consideration of the documents listed on the 1449 form submitted therewith is respectfully requested. Pursuant to the provisions of M.P.E.P. §609, Applicants further request that a copy of the 1449 form, marked as being considered and initialed by the Examiner, be returned with the next Official Communication.

Another Information Disclosure Statement was submitted by Applicants' Representatives on 14 October 2005. Consideration of the document listed on the 1449 form submitted therewith is respectfully requested. Pursuant to the provisions of M.P.E.P. §609, Applicants further request that a copy of the 1449 form, marked as being considered and initialed by the Examiner, be returned with the next Official Communication.

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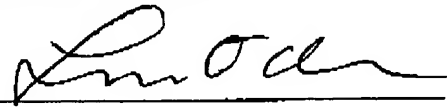
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Summary

It is respectfully submitted that all the pending claims are in condition for allowance and notification to that effect is respectfully requested. The Examiner is invited to contact Applicants' Representatives, at the below-listed telephone number, if it is believed that prosecution of this application may be assisted thereby.

Respectfully submitted  
By  
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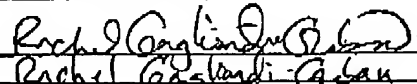
January 18, 2006  
Date

By:   
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CERTIFICATE UNDER 37 CFR §1.8:

The undersigned hereby certifies that the Transmittal Letter and the paper(s), as described hereinabove, are being transmitted by facsimile in accordance with 37 CFR §1.6(d) to the Patent and Trademark Office, addressed to Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 18<sup>th</sup> day of January, 2006, at 10:45 a.m. (Central Time).

By:   
Name: Rachel Gagliardi

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